

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD**

IN THE MATTER OF:) Case Nos.: 18-35
KENNETH HALBACH, DVM)
Holder of License No. 0850) FINDINGS OF FACT,
For the practice of Veterinary) CONCLUSIONS OF LAW
Medicine in the State of Arizona,) AND ORDER
Respondent.)

On May 16, 2018 and June 20, 2018, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Kenneth Halbach DVM ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of his right to legal counsel by letter, appeared, and participated in the Informal Interview with counsel, David Stoll. The Board reviewed all documents submitted regarding this matter, took testimony from Tiffany Jennings and Respondent, and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1) professionally acceptable procedures. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order, ("Order").

FINDINGS OF FACT

1 1. Respondent is the holder of License No. 0850 issued on February 5, 1973,
2 and is therefore authorized to practice the profession of veterinary medicine in
3 the State of Arizona.

4 2. On October 9, 2017, "Sweetpea," a 13-year-old female Chihuahua was
5 presented to Respondent to have her right eye checked, blood work
6 performed and an estimate for a dental procedure. Complainant reported that
7 the dog had green mucousy discharge coming from the right eye. She further
8 relayed that the dog had issues with pancreatitis in the past.

9 3. Upon exam the dog had a weight = 4 pounds, a temperature = 102.1
10 degrees, a pulse rate = 120bpm and a respiration rate = 32rpm. Respondent
11 noted the dog had severe conjunctivitis to the right eye – Fluorescein stain
12 showed no uptake. He also identified severe dental disease and discussed
13 blood work prior to proceeding with a dental procedure, which was approved.
14 According to Respondent, he went over the risks and benefits associated with
15 general anesthesia verses dental disease explaining that dental disease can
16 often lead to serious problems. Blood was collected, the dental was scheduled
17 for October 13, 2017 and the dog was discharged with Neopolydex ointment
18 for the right eye.

19 4. On October 11, 2017, Respondent went over the blood work. He noted
20 the elevated WBC and felt that was expected given the severity of the dog's
21 dental issues. The Spec CPL was elevated as well. Respondent did not relay the
22 results to the pet owner or recommend antibiotics prior to anesthesia.

23 5. On October 12, 2017, Complainant stated that since she had not heard
24 from Respondent regarding the blood work results she called the veterinary
25 hospital. She was advised from facility staff that Respondent said the blood

work was perfect and to bring the dog in for the dental procedure the following day.

6. On October 13, 2017, the dog was presented to Respondent for a dental procedure. Staff noticed that IV fluids were not on the estimate; Complainant authorized the IV catheter with fluids. Complainant again asked if the blood work was satisfactory for the dog to receive general anesthesia and was told the blood work was impeccable. Paperwork was signed and Complainant left the premise.

7. Upon exam, the dog had a weight = 3 pounds, 14 ounces, a temperature = 100.8 degrees, a heart rate = 124bpm and a respiration rate = 28rpm. The dog was administered atropine 0.135 mg with acepromazine 0.1mL/mg SQ, induced with isoflurane and oxygen and an IV catheter was placed – Lactated Ringer's Solution was started. Respondent began to elevate teeth and the dog went into cardiopulmonary arrest. Resuscitation efforts were started with chest compressions. Two doses of epinephrine were administered IV, two minutes apart – 0.03mLs and 0.3mLs. The dog did not respond and passed away. Respondent contacted Complainant to advise her of what transpired.

CONCLUSIONS OF LAW

8. The Arizona State Veterinary Medical Examining Board has jurisdiction over this matter pursuant to A.R.S. § 32-2201, et seq.

9. The conduct and circumstances described in the Findings of Fact above, constitutes a violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501**

(1) failure to provide professionally acceptable procedures for not communicating with the pet owner the interpretation of the blood work.

10. The conduct and circumstances described in the Findings of Fact above, constitutes a violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501**

(1) failure to provide professionally acceptable procedures and use current professional and scientific knowledge for using outdated anesthetic protocol of atropine and acepromazine followed by mask induction when other viable options are available to avoid undue stress on the patient.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is
ORDERED that Respondent's License, No. 0850 be placed on **PROBATION** for a
period of one (1) year, subject to the following terms and conditions that shall
be completed within the Probationary period. These requirements include eight
(8) total hours of continuing education (CE) detailed below:

1. IT IS ORDERED THAT Respondent shall provide written proof satisfactory to the Board that he has completed four (4) hours of continuing education (CE); hours earned in compliance with this order shall not be used for licensure renewal. Respondent shall satisfy these four (4) hours by attending CE in the area of anesthesia. Respondent shall submit written verification of attendance to the Board for approval.

2. IT IS ORDERED THAT Respondent shall provide written proof satisfactory to the Board that he has completed four (4) hours of continuing education (CE); hours earned in compliance with this order shall not be used for licensure renewal. Respondent shall satisfy these four (4) hours by attending CE in the area of client communication. Respondent shall submit written verification of attendance to the Board for approval.

1 **3. IT IS FURTHER ORDERED THAT** Respondent shall pay a civil penalty of two
2 hundred fifty dollars (\$250) for each of the two violations; the total civil penalty
3 is five hundred dollars (\$500) due on or before the end of the Probation period.
4 Civil penalty shall be made payable to the Arizona State Veterinary Medical
5 Examining Board and is to be paid by cashier's check or money order.

6 4. All continuing education to be completed for this Order shall be pre-
7 approved by the Board. Respondent shall submit to the Board a written outline
8 regarding how he plans to satisfy the requirements in paragraph 1 and 2 for its
9 approval within sixty (60) days of the effective date of this Order. The outline
10 shall include **CE course** details including, **name, provider, date(s), hours of CE** to
11 be earned, and **a brief course summary**.

12 5. Respondent shall obey all federal, state and local laws/rules governing
13 the practice of veterinary medicine in this state.

14 6. Respondent shall bear all costs of complying with this Order.

15 7. This Order is conclusive evidence of the matters described and may be
16 considered by the Board in determining an appropriate sanction in the event a
17 subsequent violation occurs. In the event Respondent violates any term of this
18 Order, the Board may, after opportunity for Informal Interview or Formal
19 Hearing, take any other appropriate disciplinary action authorized by law,
20 including suspension or revocation of Respondent's license.

21

22 **REHEARING/APPEAL RIGHTS**

23 Respondent has the right to petition for a rehearing or review of this Order.
24 Pursuant to A.R.S. § 32-2234 (H) and § 41-1092.09 the petition must be filed with
25 the Board within thirty-five (35) days from the date of mailing if the Order was

1 served via certified mail. Pursuant to A.A.C. R3-11-904 (C), the petition must set
2 forth legally sufficient reasons for granting the rehearing or review. The filing of
3 a petition for rehearing or review is required to preserve any rights of appeal to
4 the Superior Court that the party may wish to pursue.

5 This Order shall be effective and in force upon the expiration of the above
6 time period for filing a motion for rehearing or review with the Board. However,
7 the timely filing of a motion for rehearing or review shall stay the enforcement
8 of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has
9 expressly found good cause to believe that this Order shall be effectively
10 immediately upon the issuance and has so stated in this Order.

11
12 Dated this 6th day of July, 2018.

13 Arizona State Veterinary Medical Examining Board
14 Jim Loughead
Chairman

15
16 By: *Victoria Whitmore*
17 Victoria Whitmore, Executive Director

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19
20 Original of the foregoing filed this 6th day of July, 2018
21 with the:

22 Arizona State Veterinary
23 Medical Examining Board
1740 W. Adams St., Ste. 4600
24 Phoenix, Arizona 85007

1 Copy of the foregoing sent by certified, return receipt mail
2 this 10th day of July, 2018 to:

3 Kenneth Halbach, DVM
4 Address on file
5 Respondent

6 Copy of the foregoing sent by regular mail
7 this 10th day of July, 2018 to:

8 David Stoll, Esq.
9 Beaugureau, Hancock, Stoll and Schwartz, PC
10 302 E. Coronado Rd
11 Phoenix, Arizona 85004

12 By: J. Whitman
13 Board Staff